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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/058,749  | 01/30/2002  | Hitoshi Watanabe     | 03500.016142        | 5750             |
| 5514  | 7590        | 11/27/2006           | EXAMINER            |                  |
| FITZPATRICK CELLA HARPER & SCINTO<br>30 ROCKEFELLER PLAZA<br>NEW YORK, NY 10112 |             |                      | GRANT II, JEROME    |                  |
|   |             | ART UNIT             | PAPER NUMBER        |                  |
|   |             | 2625                 |                     |                  |

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/058,749             | WATANABE ET AL.     |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Jerome Grant II        | 2625                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,6-8,15-18,21-23,29-32 and 34-36 is/are rejected.
- 7) Claim(s) 4, 5, 9-14, 19, 20, 24-28 and 33 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

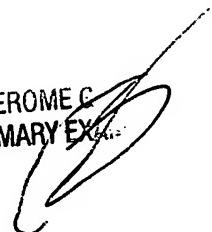
- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JEROME G.  
PRIMARY EXA



#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_.

**Rejection under Section 101**

1.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 35 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claim 35, is directed to non-patentable subject matter. The program must be stored on a computer readable medium.**

2.

**Claims Rejected under 102e 2002/0186421 Tachibana**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 8, 16, 18, 23 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Tachibana.

With respect to claims 1 and 16, Tachibana teaches a printing system for performing the method printing a plurality of sheets, as shown by figure 1, based on a print setting information comprising: an input means 12 for the purposed claimed; a printing means 5 for the purpose claimed; a storing means 9 for the purposed claim; a control means 6 for the purpose claimed. Tachibana teaches a discernment of data that has been printed at interruption and a control means via 6 that prints based on information that has been obtained at the time of interruption.

With respect to claims 3 and 18, it is inherent in the teaching of Tachibana that plurality of image types may be printed. For example, books, fax documents containing pictures and text are among the types of documents that are to reproduced by the teaching of Tachibana.

With respect to claims 8 and 23, Tachibana teaches wherein the control means includes an examination means (CPU 22) for examine whether said print setup information (pointer) has been changed before and after said interrupt. The pointer remains in the same place at the interruption and after.

Art Unit: 2625

With respect to claim 30, Tachibana teaches a reader 12 (digital camera not regarded as a distinguishing limitation ) for printing a plurality of sheets based on printer setting information comprising:

An image pickup means (CCD inherent in reader 12); input means (12 and 16) for the purposed claimed; an output means (CPU 6) for outputting printer setting information; first storing means 9; second storage means 9 and address pointer of memory 9; for setting a print information that stores interrupt information concerning the printing completed before interruption; and control means CPU 6 for employing a interrupt information to resume the printing based on the print setting information.

With respect to claim 31, see figure 1

3.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by  
**JP06139031**.

With respect to claims 34 and 35, the JP06129031 document teaches a storage medium ROM 102/103 for recording a computer readable program for printing a plurality of sheets according to a printing setting, wherein the program comprises:

An input step 110,111 for entering image data that are printed; a printing step 112,113 for printing image data; a storage step , via RAM 101 for storing the printing setting information; and a control step CPU 109 for controlling the resuming of printing operation after an interrupt.

Art Unit: 2625

With respect to claim 36, JP06129031 teaches a print control apparatus 100, for controlling a printer in order to continuously output an image on a plurality of sheets based on print setting information comprising:

An output means (108, 109) for outputting image data to a printer based on the print setting information; storage control means 101 for printing based on the print set information after a print interruption and a control means via CPU 109 for employing interrupt information stored by said storage control means to resume printing based on the printing information.

4.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 7, 17, 21, 22 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tachibana.

With respect to claims 2 and 17, Tachibana teaches all of the subject matter upon which this claim depends. What Tachibana does not provide is a specific teaching that the reader is a digital camera. However, to one of ordinary skill in the art, it would have been obvious to replace the reader 12 of Tachibana with another reader, such as a digital camera, for the purpose of providing the image for printing. Applicant has provided no reason that a digital camera is preferred over another reading device and hence the use of one reader verses another reader would have been a substitution that one of ordinary skill in the art would have known to make.

With respect to claims 6, 21 and 32, Tachibana teaches all of the subject matter upon which the claim depends except for a specific teaching that a battery power source is used.

The use of a battery power source would have been contemplated by one of ordinary skill in the art as a means for making the printing device a portable device in that the power would not have to be obtained from an AC line. To one of ordinary skill in the art, it would have been obvious to replace the AC power source, inferred by the teaching of Tachibana, with a battery power source, to provide alternative power to the printer so that it may be used in a mobile environment.

With respect to claims 7 and 22, Tachibana teaches wherein the interruption information is recorded in a non-volatile memory (buffer9) provided by the reader 12 (which may be a digital camera). See paragraph 54.

5. Claims 15 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tachibana in view of JP06139031.

With respect to claims 15 and 29, Tachibana teaches all of the subject matter upon which the claim depends except that it does not provide a teaching for discharging the recording sheet when the job has been determined to be interrupted.

The JP06139031 document teaches that the interrupted job is discharged. It would have been obvious to modify CPU 22 of Tachibana with the instructions of CPU 109 of the JP06139031 device in order to control a discharge of the recording sheet if it has been determined that the job has been interrupted, as is taught by JP06129031.

**6. Claims Objected to as Containing Allowable Matter**

Claims 4, 5, 9-14, 19, 20, 24-28, 33 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**7.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Thurs. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore, can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II

JEROME GRANT  
PRIMARY EXAMINER